

# **EXHIBIT 5**

## Attention to metrics can stanch Rikers' bleeding

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Last month, the year's 13th person died in the city's jails. Michael Nieves [reportedly slit his throat and bled out while officers watched](#). The toll is on track to be the [deadliest](#) in almost a decade when the number of people incarcerated there was more than double what it is today. On the day Nieves died, three elected officials paid an unannounced visit to the jails, in part to take a look at suicide prevention efforts. Upon leaving, they pronounced conditions ["improved."](#) The Department of Correction's representatives did not mention that Nieves was lying [comatose in a hospital bed](#) from a suicide attempt just three days before.

Have the city jails improved? A cool assessment of the numbers shows a house on fire. In addition to the record-setting numbers of deaths over the last decade, stabbings and slashings are already up [34%](#) over last year and [353%](#) since 2019 — canaries in the mine for the complete unraveling of the jails' functions.



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The stakes couldn't be higher, and the question is sharp: Does the city alone have the capacity and power to stop the violence, or is a different approach necessary?

This is the question a court must answer in November. For seven years, a federal judge and monitor have tried to implement the terms of a [consent decree](#) intended to address unconstitutional levels of violence. Since then, violence has instead [skyrocketed](#). In March, the monitor issued a hair-raising [report](#) questioning whether the department – failing every single task set by the consent decree – had either the capacity or the will to improve conditions.



The U.S. Manhattan attorney, one of the plaintiffs in the lawsuit, has [raised the specter](#) of a federal receivership to break the deadly logjam. A [receiver](#) would have court-conferred authority to cut through the myriad levels of dysfunction driving the violence, for example,

speeding up contracting to get locking doors or addressing the bargaining agreements and discipline rules that are behind the increasing absenteeism of the workforce.

At the November meeting, the court will make a judgment as to whether conditions are getting better and, if not, what the remedy should be. We propose that, at a minimum, four core measures should be publicly available and scrutinized by the court, the parties and the public to assess progress.

**The number and manner of deaths.** While any death should be rare in jail — a *temporary* place of *pretrial* detention — the way people have died signals myriad underlying systemic problems. This year, one man choked to death on an orange, unattended by correctional staff until those incarcerated with him banged on doors to get attention and carried him out. [Three people](#) died by suicide. A failure to get people to medical appointments ([nearly 9,000 times in July](#)) is fueling the deaths.



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**Stabbings and slashings.** In an institution where record-keeping is sometimes non-existent and often not reliable, stabbings and slashings offer a neutral measure of the violence. This is because each assault requires a clinic visit and documentation of injuries.

The story this metric tells is horrifying: Slashings and stabbings are expected to be [six times above](#) the rate they were when the federal monitor was appointed in 2016 to stem the violence.

**Who's coming to work.** Although the city's jails are the most richly staffed in the country, the failure to staff posts has created deadly conditions. On an average day, more than a quarter of the staff does not come to work or is unable to work in the jails.

**How long people are incarcerated.** Today, 26% of the population has been there for more than a year, compared to approximately 15% in 2019. The longer people stay, the more difficult, tense and potentially violent conditions become. The court has directed the jails to reduce the time people are held — an exercise that will require coordination with many other parts of the criminal justice system, not just the city.

Today, it seems as if New Yorkers and their government have become numb to the escalating humanitarian disaster in the city's jails.

Despite an able, committed and vigorous press corps that surfaces tragedy after tragedy, there is lassitude when the situation requires urgency.

Metrics are the key to stop the bleeding: They signal where the issues are and what is fueling the dysfunction. Absent a clear-eyed ability to examine conditions in the nation's most notorious jail system, policy makers and the courts will not be able to assess fairly — no less fix — conditions, leading to a future even bloodier than we are already seeing.

*Glazer is the founder of [Vital City](#), a former criminal justice adviser to Mayor de Blasio and Gov. Cuomo, and a former federal prosecutor. Schiraldi is the former commissioner of New York City's Departments of Correction and Probation. He is a senior fellow at the Columbia Justice Lab and senior research scientist at the Columbia School of Social Work.*